



General Assembly

Distr.
GENERAL

A/C.5/50/69
24 May 1996

ORIGINAL: ENGLISH

Fiftieth session
FIFTH COMMITTEE
Agenda item 136

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF
PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL
HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER
YUGOSLAVIA SINCE 1991

Report of the Secretary-General

SUMMARY

The present report contains the performance report of the International Criminal Tribunal for the former Yugoslavia for the biennium 1994-1995. An amount totalling \$43,715,400 gross (\$38,819,700 net) was approved by the General Assembly for the operation of the International Tribunal for the period from 1 January 1994 to 31 December 1995. During this period, expenditures totalled \$35,868,109, resulting in an unencumbered balance of \$2,951,591.

The General Assembly is requested in financing the Tribunal for 1996 to credit the unencumbered balance against the budget for the Tribunal to assess Member States for the balance according to the 50/50 cost-sharing methodology determined in General Assembly resolution 49/242 B of 20 July 1995.



I. INTRODUCTION

1. The present report is submitted in accordance with paragraph 26 of General Assembly resolution 49/242 B of 7 August 1995.

2. Table 1 illustrates, by major object of expenditure, the total appropriation of \$43,715,400 gross (\$38,819,700 net) provided to the International Criminal Tribunal for the former Yugoslavia and the related expenditure of \$35,868,109 for the period from 1 January 1994 to 31 December 1995.

3. The reported unencumbered balance resulted primarily from savings under personnel costs, travel, contractual services and furniture and equipment. These savings were partially offset by additional requirements for overtime, supplies and materials and general operating expenses.

Table 1. Performance report for the period from
1 January 1994 to 31 December 1995

Summary statement

(In United States dollars)

Object of expenditure	Appropriation	Total expenditures	Unencumbered balance
Salaries and allowances of judges	3 230 000	3 121 100	108 900
Posts	17 109 200	16 141 600	967 600
Temporary assistance for meetings	393 600	65 300	328 300
General temporary assistance	334 900	151 500	183 400
Consultants	194 300	178 100	16 200
Overtime and night differential	272 400	276 900	(4 500)
Travel on official business	5 000 700	3 018 400	1 982 300
Contractual services	3 661 500	3 159 300	502 200
General operating expenses	4 471 000	5 741 900	(1 270 900)
Supplies and materials	438 900	599 400	(160 500)
Furniture and equipment	<u>3 713 200</u>	<u>3 414 609</u>	<u>298 591</u>
Total	38 819 700	35 868 109	2 951 591

II. PERFORMANCE REPORT FOR THE PERIOD FROM 1 JANUARY 1994
TO 31 DECEMBER 1995

A. The Chambers

Table 2. Expenditures by object group

(In United States dollars)

Object of expenditure	Appropriation	Total expenditures	Unencumbered balance
Salaries and allowances of judges	3 648 600	3 249 600	399 000
Posts	718 500	537 000	181 500
Consultants	71 800	0	71 800
Overtime and night differential	20 000	18 100	1 900
Travel on official business	<u>80 700</u>	<u>68 000</u>	<u>12 700</u>
Total	4 539 600	3 872 700	666 900

Salaries and allowances of judges (including common costs) \$399 000

4. Savings under this heading relate to reduced requirements for common costs which arose as a result of the fact that not all judges took up residency during the biennium.

Posts \$181 500

5. Savings resulted from a delay in local recruitment of General Service staff in 1994. In 1995, all authorized General Service posts within the Chambers were fully encumbered.

Consultants \$71 800

6. Resource requirements under this heading were not utilized during the 1994-1995 biennium. Consultancy services were provided to the Chambers in 1994, relating to advice on relevant legal issues on crimes within the jurisdiction of the Tribunal, the area of law in the former Yugoslavia including sentencing policies.

Overtime and night differential \$1 900

7. Savings arose as a result of decreased requirements under this heading.

Travel on official business \$12 700

8. Savings were attributable to the fewer number of trips required in 1994 for the judges to attend plenary sessions in The Hague than originally anticipated.

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In line with the recommendation of the Advisory Committee on Administrative and Budgetary Questions in its report, ¹/ entitlements of the judges were implemented on the basis of residence at The Hague. Travel expenses of the judges had also been limited to business class travel.

B. Office of the Prosecutor

Table 3. Expenditures by object group

(In United States dollars)

Object of expenditure	Appropriation	Total expenditures	Unencumbered balance
General temporary assistance	76 300	85 900	(9 600)
Posts	9 363 600	9 839 100	(475 500)
Consultants	93 400	129 000	(35 600)
Overtime and night differential	17 000	9 300	7 700
Travel on official business	4 272 500	2 445 600	1 826 900
Contractual services	<u>3 900</u>	<u>3 800</u>	<u>100</u>
Total	13 826 700	12 512 700	1 314 000

Posts

(\$475 500)

9. During 1994-1995, the Office of the Prosecutor carried out its mandated activities while continuing to strengthen its staffing resources. In this regard, resources for personnel were costed on a new post basis, i.e. initial posts in 1994 as well as additional posts in 1995 were costed at 50 per cent for the Professional level and above and 65 per cent for General Service and other categories. While the Office of the Prosecutor did not have full incumbency during the biennium, much of the recruitment within the Tribunal was focused on hiring the necessary staff to carry out the functions of the office. Accordingly, while the budgeted level of resources for posts was based on the above-mentioned delayed recruitment parameters, the actual vacancy rates in 1995 for Professional and General Service staff within the Office of the Prosecutor were 25 and 8 per cent respectively as at 31 December 1995. This factor led to increased actual costs for posts during 1994-1995.

General temporary assistance

(\$9 600)

10. Additional requirements resulted due to the need to provide for additional general level support than was initially anticipated. During the period prior to the adoption of the 1994-1995 budget, temporary assistance funds were utilized for the local hire of personnel to process evidentiary material received by the Office.

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Consultants

(\$35 600)

11. Additional resources were required to provide for experts such as strategists and forensic pathologists as well as expert witnesses for the Office of the Prosecutor which were necessary for ongoing investigations and for the preparation of indictments and construction of cases for prosecution. These requirements were significantly larger than was earlier foreseen.

Overtime and night differential

\$7 700

12. Savings resulted due to decreased requirements for overtime support.

Travel on official business

\$1 826 900

13. Resources for travel during the biennium were estimated on the basis of a projected level of travel within the Office of the Prosecutor including travel for investigations such as travel in connection with interviewing witnesses and other sources of evidentiary material. While the estimates were based on the best information available at that time, it was recognised that an accurate indication of the travel requirements of the Office of the Prosecutor would only evolve over time and in light of real experience. In this regard, careful travel purchasing led to lower than expected unit costs per trip, and savings were therefore realized for travel within the Office of the Prosecutor during 1994-1995.

Contractual services

\$100

14. Savings arose from lower than expected costs for personal service contracts.

C. The Registry

Table 4. Expenditures by object group

(In United States dollars)

Object of expenditure	Appropriation	Total expenditures	Unencumbered balance
Temporary assistance for meetings	393 600	65 300	328 300
General temporary assistance	258 600	65 600	193 000
Posts	6 608 500	5 637 000	971 500
Consultants	29 100	49 100	(20 000)
Overtime and night differential	235 400	249 500	(14 100)
Travel on official business	647 500	504 800	142 700
Contractual services	1 653 200	1 155 500	497 700
Hospitality	3 000	700	2 300
Total	9 828 900	7 727 500	2 101 400

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Posts

\$971 500

15. Savings were realized as a result of significant delays in recruitment of staff within the Registry. In this connection, it should be pointed out that while salary costs remained within budgetary levels, net savings were partially offset by increased requirements for common staff costs.

Temporary assistance for meetings

\$328 300

16. Savings were attributable to the fact that trial activity was significantly impeded during 1994-1995. Resource requirements under this heading were originally estimated on the basis that trials would commence during 1995. While a number of judicial proceedings were held during 1994-1995, the first trial is scheduled to commence in May 1996.

General temporary assistance

\$193 000

17. Resources under this heading were estimated on the basis of short-term requirements for translators and interpreters for document/evidence processing and investigations in the field. Given the increasing demands of the Tribunal, translation and interpretation services were required on a continuing basis and, more appropriately, were funded under contractual services. This resulted in savings under general temporary assistance.

Consultants

(\$20,000)

18. Additional expenditures resulted from the need to obtain outside expertise in a number of areas of criminal court administration including identifying requirements in connection with the development of a court case management system. The requirements exceeded the amount originally budgeted for the provision of these services.

Overtime and night differential

(\$14 100)

19. Additional requirements arose as a result of judicial hearings. Given the limited number of security officers currently employed by the International Tribunal, in order to provide minimum security coverage to the court and to the remainder of the premises, when a judicial proceeding is scheduled at the Tribunal, a certain number of security officers must work overtime to meet these requirements.

Travel on official business

\$142 700

20. Savings were largely attributable to reduced requirements for the travel of witnesses as a result of delayed trial activity. An amount of \$280,000 was provided in 1994-1995 for travel of witnesses to judicial proceedings in The Hague. While a number of witnesses were required to travel to The Hague in 1995 to give evidence at preliminary hearings, no trials were held during 1994-1995, resulting in under-expenditures during the biennium.

Contractual services

\$497 700

21. Savings arose as a result of under-expenditures for defence counsel. Budgetary provision for counsel for 1994-1995 was estimated on a greater number of accused in custody than was actually realized. Accordingly, defence counsel costs were less than was originally envisaged. Resources under this heading also provided for costs associated with the services of detention facility guards.

Hospitality

\$2 300

22. Requirements were less than was budgeted, resulting in savings under this heading.

D. Programme support

Table 5. Expenditures by object group

(In United States dollars)

Object of expenditure	Appropriation	Total expenditures	Unencumbered balance
Contractual services	2 004 400	2 000 000	4 400
General operating expenses	4 468 000	5 741 200	(1 273 200)
Supplies and materials	438 900	599 400	(160 500)
Furniture and equipment	3 713 200	3 414 609	298 591
Total	10 624 500	11 755 209	(1 130 709)

Contractual services

\$4 400

23. Resources were provided for contractual interpretation, including translation and verbatim reporting as well as training and external printing. Savings were attributable to the fact that actual expenditures were lower than initially anticipated.

General operating expenses

(\$1 273 200)

24. Additional requirements arose largely as a result of the strengthening of the Netherlands guilder against the United States dollar. At the time the 1994-1995 budgetary proposals were formulated, the budgetary rate of exchange was \$1 = f.1.85. However, the United States dollar depreciated sharply against the guilder during 1994-1995, with the United Nations operational rates of exchange at \$1:f.1.74 and \$1:f.1.61 as at 31 December 1994 and 1995 respectively. The result was that fixed costs such as rent as well as variable costs, including utilities and communications costs, exceeded budgetary

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provision, which was estimated based on a higher rate of exchange than was actually realized.

25. As a result of delays in the procurement process caused by a shortage of staff, additional resources were required for rental of equipment, needed to cover the short-term operational requirements of the Tribunal. In this connection, conference-servicing equipment was rented to accommodate the needs of the Chambers prior to the completion of the courtroom.

26. Significant overruns under communications are attributable to higher domestic and long-distance telephone line rates than were originally estimated. This, coupled with the heavy reliance on the use of telecommunications equipment (telephone/facsimile) by the Tribunal, especially between The Hague and the region of the former Yugoslavia, led to over-expenditures under this heading.

Supplies and materials

(\$160 500)

27. Additional requirements arose as a result of the heavy usage of expendable office supplies, including paper for internal reproduction and photocopying. The cost of data-processing and audiovisual supplies, which was higher than originally envisaged, also contributed to expenditures exceeding the budgetary provision under this heading.

Furniture and equipment

\$298 591

28. Savings were realized primarily because the International Tribunal was able to purchase surplus furniture stock from the building owners at a lower than expected unit cost which resulted in under-expenditures under this heading. Savings were also attributable to some delays in the procurement of budgeted items.

III. ACTION TO BE TAKEN BY THE GENERAL ASSEMBLY
AT ITS FIFTIETH SESSION

29. The General Assembly is requested in financing the International Tribunal for the former Yugoslavia to credit the unencumbered balance of \$2,951,591 (net) for the period from 1 January 1994 to 31 December 1995 against the budget for the Tribunal for 1996 and to assess Member States for the balance according to the 50/50 cost-sharing methodology determined in General Assembly resolution 49/242 B of 20 July 1995.

Notes

1/ A/49/7/Add.12.